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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,615	08/17/2000	David L. Multer	FUSN1-01017US0 LEV/JAV	6923

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EXAMINER

CHANNAVAJJALA, SRIRAMA T

ART UNIT PAPER NUMBER

2177

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

P29

**Office Action Summary**

Application No.

09/642,615

Applicant(s)

MULTER ET AL

Examiner

Srirama Channavajjala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A **new title** is required that is clearly indicative of the invention to which the claims are directed.
2. Applicant has incorporated by reference three co-pending applications, at page 8 line 6-8, of the specification. Examiner notes that incorporation by reference of an application in a printed United States patent constitutes a special circumstance under 35 U.S.C. § 122 warranting that access of the original disclosure of the application be granted. The incorporation by reference will be interpreted as a waiver of confidentiality of only the original disclosure as filed, and not the entire application file, *In re Gallo*, 231 USPQ 496 (Comm'r Pat. 1986). If Applicant objects to access to the entire application file, two copies of the information incorporated by reference must be submitted along with the objection. Failure to provide the material within the period provided will result in the entire application (including prosecution) being made available to petitioner. The Office will not attempt to separate the noted materials from the remainder of the application. Compare *In re Marsh Engineering Co.*, 1913 C.D. 183 (Comm'r Pat. 1913).

Applicant has incorporated by reference three co-pending applications, at page 8 line 6-8, of the specification. Applicant hereby required to **update their status** in response to this office action, paper no. # 9.

***Drawings***

3. The drawings are objected to by the Draftsperson under 37 CFR 1.84 or 1.152 as indicated in the form PTO-948, paper no. # 9, formal drawings are required in response to this office action, paper no. # 9.

***Information Disclosure Statement***

4. The information disclosure statement PTO-1449 filed on 12/26/2000, paper no. # 4, and 2/12/2002, paper no. # 8 has been considered and a copy was enclosed with this office action, paper no. # 9, however information disclosure statement filed on 10/9/2001, paper no. # 7 did not considered because Examiner has not received PTO-1449 and documents, therefore, applicant is hereby required to submit PTO-1449 for further consideration in response to this office action, paper no. # 9.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Birkler, WO 00/29998 in view of Bowen et al., [hereafter Bowen], US Patent No. 5832519.

6. As to Claims 1,8, 11, Birkler teaches a system which including 'updating application data in a client device of a data transfer and synchronization system' [see Abstract, fig 1, page 6, line 14-20], 'downloading a first change log of a plurality of change logs from a server system' [page 3, line 13-17, line 21-25], examiner interpreting

change logs corresponds to Birkler's change log as detailed in fig 2, element 240, client device corresponds to first device, server system corresponds to second device as detailed in page 3, line 10, specifically, first device and second device entries are synchronized based on change log as detailed in page 3, line 13-17, 'each of said plurality of change logs reflecting changes to said application data' [page 4, line 4-11], 'adding said first change log, deleting said first change log' [page 7, line 22-25, page 12, line 4-7], 'repeating said downloading, adding, and deleting steps for a next change log of said plurality of change logs until no additional change logs exist' [page 10, line 23-28, col 12, line 31-18]. It is however noted that Birkler does not teach 'aggregate log, applying said aggregate log to said application data to update said application data'. On the other hand, Bowen et al teaches maintaining the data values such as aggregate numeric data values while allowing concurrent updates [see col 4, line 11-14], more specifically Bowen teaches aggregation system processor performs update operations through incremental updates and writing them into the log relation maintained in the memory as detailed in col 4, line 45-50.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Bowen et al., into optimization of synchronization procedures that utilize a change log system of Birkler because both are directed to database management system, more specifically Birkler directed to synchronization method in storing a change log having an associated change counter at a first database, updates the change counter at the first database in response to a

database update command from a second database [see Abstract], while Bowen et al is directed to database management system which aggregation processor performs update operations by receiving the incremental updates from the computer and writing them into the log relation maintained in the memory [see fig 2, element 35, col 4, line 45-50]. One of ordinary skill in the art at the time of the inventing would have been motivated to modify the Birkler's reference, more specifically Birkler's fig 2 to incorporate the aggregation system fig 1, element 30 of Bowen et al. because that would have allowed users of Birkler optimization of synchronization procedures that utilize a change log system to control the aggregation system processor to update and maintain in the log, bringing the advantages of avoiding locking of database records for extended period of time, further greater levels of improving concurrency as suggested by Bowen et al [see col 4, line 15-27].

7. As to Claims 2 and 9, Birkler teaches a system which including 'retrieving information for a valid item' [page 10, line 16-20], 'updating a location of said valid item in said map' [page 12, line 4-7]. On the other hand, Bowen teaches 'updating a map of said aggregate log, said map storing meta-data' [col 5, line 12-19], 'writing said item to said aggregate log' [col 4, line 45-50].

8. As to Claim 3, Bowen teaches a system which including 'compacting said aggregate log if a compact threshold is exceeded' [col 4, line 60-66, col 5, line 1-6].

9. As to Claim 4-6, Birkler teaches a system which including 'application data comprises data classes for contacts, calendar events, email messages, notes tasks, and files' [page 6, line 26-28].
10. As to Claim 10, Bowen teaches a system which including 'aggregate log' [see fig 1-2].
11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birkler, WO 00/29998, Bowen et al., [hereafter Bowen], US Patent No. 5832519 as applied to claim 1 above, and further in view of Williams et al., [hereafter Williams], US Patent No. 5845283.
12. As to Claim 7, both Birkler and Bowen do not specifically teach 'universal data Format', on the other hand, Williams specifically teaches converting data formats into a common, universal data format [see col 2, line 14-16].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Williams into Birkler and Bowen et al of database management system because they all are directed to database management [see Birkler: Abstract; Bowen: Abstract; and Williams: Abstract], also one of the ordinary skill in the art at the time of the invention would have been motivated to incorporate the teachings of Williams's universal data format because that would have allowed users of Birkler, Bowen to receive any data format and converting into predetermined universal data format bringing the advantages of greater flexibility of translate between multiple data formats [see col 2, line 9-23].



**Conclusion**

**The prior art made of record**

- |    |               |                |
|----|---------------|----------------|
| a. | WO 00/29998   |                |
| b. | US Patent No. | 5832519        |
| c. | US Patent No. | 58452836393419 |

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure


- |    |               |              |
|----|---------------|--------------|
| d. | US Patent No. | 6457062      |
| e. | US Patent No. | 6401104      |
| f. | US Patent No. | 6034621      |
| g. | US Patent No. | 6058399      |
| h. | US Patent No. | 5758150      |
| i. | US Patent No. | 5649195      |
| j. | US Patent No. | 2002/0138765 |
| k. | US Patent No. | 5729735      |
| l. | EP1180890     |              |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	<b>(After Final Communication)</b>
703/746-7239	<b>(Offical Communications)</b>
703/746-7240	<b>(For Status inquiries, draft communication)</b>
(703) 308-6607	<b>(Art Unit)</b>

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

SC   
Patent Examiner.  
October 3, 2002.